

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES H. MAXWELL, JR.,

Plaintiff,

v.

KING COUNTY JAIL and CITY OF  
SEATTLE,

Defendants.

CASE NO. C22-580 MJP

ORDER ADOPTING REPORT AND  
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of Chief Magistrate Judge Creatura and Plaintiff's Objections to it. (Dkt. Nos. 13 & 14.) Having reviewed the Report and Recommendation, Plaintiff's Objections, and the relevant portions of the record, the Court ADOPTS the Report and Recommendation, DISMISSES this action without prejudice and DENIES Plaintiff's Motion to Proceed In Forma Pauperis as MOOT.

**BACKGROUND AND ANALYSIS**

The Report and Recommendation succinctly summarizes the allegations relevant to Plaintiff's First Amendment claims alleged against King County Jail and the City of Seattle. (Dkt. No. 13 at 2.) In essence, Plaintiff alleges Defendants have violated his First Amendment rights by failing to provide him full vegetarian meals in accordance with his sincerely-held religious beliefs. (See id.)

The Report and Recommendation correctly notes that despite being given multiple attempts to amend his complaint, Plaintiff has not adequately alleged claims against the City and Jail. First, Plaintiff has not "allege[d] facts that implicate the two named defendants in the alleged deprivation of his religious diet" as required under Monell v. Dep't of Soc. Servs. of City of New York, 436 U.S. 658, 690 (1978). (Dkt. No. 13 at 4.) Second, Plaintiff has not made allegations sufficient to show an intentional deprivation of his religious diet. (Id. at 4-5.)

In his objections, Plaintiff has not identified any error in the Report and Recommendation's conclusions. Plaintiff writes in full:

Under the U.S. Amendment One, I state a claim of right to religion right of belief [sic]. That King County Jail fail[s] to offer a full vegetarian meal. By [which it] mean[s] to be free of animal parts, as meat or eggs, cheese, milk, etc.  
I hope the Court will grant the Amendment to the First Amendment right to religious meals of belief [sic].

(Dkt. No. 14.) While the Court understands Plaintiff's objections, they do not address either of the flaws in the proposed amended complaint identified in the Report and Recommendation. Accepting the proposed amended complaint would be futile because it does not address the flaws identified in the Report and Recommendation and does not contain actionable claims under the First Amendment. As such, the Court **OVERRULES** the Objections and **ADOPTS** the Report and Recommendation in full.

**CONCLUSION**

The Court OVERRULES Plaintiff's Objection, ADOPTS the Report and Recommendation, DISMISSES this action without prejudice, and DENIES AS MOOT Plaintiff's Motion for Leave to Proceed In Forma Pauperis.

The clerk is ordered to provide copies of this order to Plaintiff, Chief Magistrate Judge Creatura and all counsel.

Dated September 7, 2022.



Marsha J. Pechman  
United States Senior District Judge